

**HB4087**



**99TH GENERAL ASSEMBLY**

**State of Illinois**

**2015 and 2016**

**HB4087**

by Rep. Charles E. Meier

**SYNOPSIS AS INTRODUCED:**

625 ILCS 5/6-106.1

Amends the Illinois Vehicle Code. Provides that an applicant for school bus driver permits who is unable to submit fingerprints due to a condition that has removed his or her fingerprints shall submit to a non-fingerprint based criminal background check. Provides that non-fingerprint based criminal background checks shall be conducted through a search of the Illinois State Police's computerized criminal history record files using identifiers such as the name, sex, race, and date of birth of the applicant. Makes conforming changes.

LRB099 08491 RJF 28647 b

**A BILL FOR**

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 6-106.1 as follows:

6 (625 ILCS 5/6-106.1)

7 Sec. 6-106.1. School bus driver permit.

8 (a) The Secretary of State shall issue a school bus driver  
9 permit to those applicants who have met all the requirements of  
10 the application and screening process under this Section to  
11 insure the welfare and safety of children who are transported  
12 on school buses throughout the State of Illinois. Applicants  
13 shall obtain the proper application required by the Secretary  
14 of State from their prospective or current employer and submit  
15 the completed application to the prospective or current  
16 employer along with the necessary fingerprint submission as  
17 required by the Department of State Police to conduct  
18 fingerprint based criminal background checks on current and  
19 future information available in the state system and current  
20 information available through the Federal Bureau of  
21 Investigation's system. An applicant who is unable to submit  
22 fingerprints due to a condition that has removed his or her  
23 fingerprints shall submit to a non-fingerprint based criminal

1 background check. The non-fingerprint based criminal  
2 background check shall result in a search of the Illinois State  
3 Police's computerized criminal history record files using  
4 identifiers such as the name, sex, race, and date of birth of  
5 the applicant. Applicants who have completed the  
6 fingerprinting or non-fingerprinting requirements shall not be  
7 subjected to the fingerprinting or non-fingerprinting process  
8 when applying for subsequent permits or submitting proof of  
9 successful completion of the annual refresher course.  
10 Individuals who on the effective date of this Act possess a  
11 valid school bus driver permit that has been previously issued  
12 by the appropriate Regional School Superintendent are not  
13 subject to the fingerprinting or non-fingerprinting provisions  
14 of this Section as long as the permit remains valid and does  
15 not lapse. The applicant shall be required to pay all related  
16 application and fingerprinting or non-fingerprinting fees as  
17 established by rule including, but not limited to, the amounts  
18 established by the Department of State Police and the Federal  
19 Bureau of Investigation to process fingerprint or  
20 non-fingerprint based criminal background investigations. All  
21 fees paid for fingerprint or non-fingerprint processing  
22 services under this Section shall be deposited into the State  
23 Police Services Fund for the cost incurred in processing the  
24 fingerprint or non-fingerprint based criminal background  
25 investigations. All other fees paid under this Section shall be  
26 deposited into the Road Fund for the purpose of defraying the

1 costs of the Secretary of State in administering this Section.

2 All applicants must:

3 1. be 21 years of age or older;

4 2. possess a valid and properly classified driver's  
5 license issued by the Secretary of State;

6 3. possess a valid driver's license, which has not been  
7 revoked, suspended, or canceled for 3 years immediately  
8 prior to the date of application, or have not had his or  
9 her commercial motor vehicle driving privileges  
10 disqualified within the 3 years immediately prior to the  
11 date of application;

12 4. successfully pass a written test, administered by  
13 the Secretary of State, on school bus operation, school bus  
14 safety, and special traffic laws relating to school buses  
15 and submit to a review of the applicant's driving habits by  
16 the Secretary of State at the time the written test is  
17 given;

18 5. demonstrate ability to exercise reasonable care in  
19 the operation of school buses in accordance with rules  
20 promulgated by the Secretary of State;

21 6. demonstrate physical fitness to operate school  
22 buses by submitting the results of a medical examination,  
23 including tests for drug use for each applicant not subject  
24 to such testing pursuant to federal law, conducted by a  
25 licensed physician, an advanced practice nurse who has a  
26 written collaborative agreement with a collaborating

1 physician which authorizes him or her to perform medical  
2 examinations, or a physician assistant who has been  
3 delegated the performance of medical examinations by his or  
4 her supervising physician within 90 days of the date of  
5 application according to standards promulgated by the  
6 Secretary of State;

7 7. affirm under penalties of perjury that he or she has  
8 not made a false statement or knowingly concealed a  
9 material fact in any application for permit;

10 8. have completed an initial classroom course,  
11 including first aid procedures, in school bus driver safety  
12 as promulgated by the Secretary of State; and after  
13 satisfactory completion of said initial course an annual  
14 refresher course; such courses and the agency or  
15 organization conducting such courses shall be approved by  
16 the Secretary of State; failure to complete the annual  
17 refresher course, shall result in cancellation of the  
18 permit until such course is completed;

19 9. not have been under an order of court supervision  
20 for or convicted of 2 or more serious traffic offenses, as  
21 defined by rule, within one year prior to the date of  
22 application that may endanger the life or safety of any of  
23 the driver's passengers within the duration of the permit  
24 period;

25 10. not have been under an order of court supervision  
26 for or convicted of reckless driving, aggravated reckless

1 driving, driving while under the influence of alcohol,  
2 other drug or drugs, intoxicating compound or compounds or  
3 any combination thereof, or reckless homicide resulting  
4 from the operation of a motor vehicle within 3 years of the  
5 date of application;

6 11. not have been convicted of committing or attempting  
7 to commit any one or more of the following offenses: (i)  
8 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,  
9 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,  
10 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,  
11 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,  
12 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,  
13 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,  
14 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,  
15 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,  
16 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,  
17 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,  
18 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,  
19 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,  
20 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,  
21 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2,  
22 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6,  
23 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9, 31A-1,  
24 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section  
25 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1),  
26 (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and

1 in subsection (a) and subsection (b), clause (1), of  
2 Section 12-4, and in subsection (A), clauses (a) and (b),  
3 of Section 24-3, and those offenses contained in Article  
4 29D of the Criminal Code of 1961 or the Criminal Code of  
5 2012; (ii) those offenses defined in the Cannabis Control  
6 Act except those offenses defined in subsections (a) and  
7 (b) of Section 4, and subsection (a) of Section 5 of the  
8 Cannabis Control Act; (iii) those offenses defined in the  
9 Illinois Controlled Substances Act; (iv) those offenses  
10 defined in the Methamphetamine Control and Community  
11 Protection Act; (v) any offense committed or attempted in  
12 any other state or against the laws of the United States,  
13 which if committed or attempted in this State would be  
14 punishable as one or more of the foregoing offenses; (vi)  
15 the offenses defined in Section 4.1 and 5.1 of the Wrongs  
16 to Children Act or Section 11-9.1A of the Criminal Code of  
17 1961 or the Criminal Code of 2012; (vii) those offenses  
18 defined in Section 6-16 of the Liquor Control Act of 1934;  
19 and (viii) those offenses defined in the Methamphetamine  
20 Precursor Control Act;

21 12. not have been repeatedly involved as a driver in  
22 motor vehicle collisions or been repeatedly convicted of  
23 offenses against laws and ordinances regulating the  
24 movement of traffic, to a degree which indicates lack of  
25 ability to exercise ordinary and reasonable care in the  
26 safe operation of a motor vehicle or disrespect for the

1 traffic laws and the safety of other persons upon the  
2 highway;

3 13. not have, through the unlawful operation of a motor  
4 vehicle, caused an accident resulting in the death of any  
5 person;

6 14. not have, within the last 5 years, been adjudged to  
7 be afflicted with or suffering from any mental disability  
8 or disease; and

9 15. consent, in writing, to the release of results of  
10 reasonable suspicion drug and alcohol testing under  
11 Section 6-106.1c of this Code by the employer of the  
12 applicant to the Secretary of State.

13 (b) A school bus driver permit shall be valid for a period  
14 specified by the Secretary of State as set forth by rule. It  
15 shall be renewable upon compliance with subsection (a) of this  
16 Section.

17 (c) A school bus driver permit shall contain the holder's  
18 driver's license number, legal name, residence address, zip  
19 code, and date of birth, a brief description of the holder and  
20 a space for signature. The Secretary of State may require a  
21 suitable photograph of the holder.

22 (d) The employer shall be responsible for conducting a  
23 pre-employment interview with prospective school bus driver  
24 candidates, distributing school bus driver applications and  
25 medical forms to be completed by the applicant, and submitting  
26 the applicant's fingerprint cards, if required, to the

1 Department of State Police that are required for the criminal  
2 background investigations. The employer shall certify in  
3 writing to the Secretary of State that all pre-employment  
4 conditions have been successfully completed including the  
5 successful completion of an Illinois specific criminal  
6 background investigation through the Department of State  
7 Police and the submission of necessary fingerprints to the  
8 Federal Bureau of Investigation for criminal history  
9 information available through the Federal Bureau of  
10 Investigation system, if applicable. The applicant shall  
11 present the certification to the Secretary of State at the time  
12 of submitting the school bus driver permit application.

13 (e) Permits shall initially be provisional upon receiving  
14 certification from the employer that all pre-employment  
15 conditions have been successfully completed, and upon  
16 successful completion of all training and examination  
17 requirements for the classification of the vehicle to be  
18 operated, the Secretary of State shall provisionally issue a  
19 School Bus Driver Permit. The permit shall remain in a  
20 provisional status pending the completion of the Federal Bureau  
21 of Investigation's criminal background investigation based  
22 upon fingerprinting specimens submitted to the Federal Bureau  
23 of Investigation by the Department of State Police, or of a  
24 non-fingerprint based criminal background investigation by the  
25 Federal Bureau of Investigation. The Federal Bureau of  
26 Investigation shall report the findings directly to the

1 Secretary of State. The Secretary of State shall remove the bus  
2 driver permit from provisional status upon the applicant's  
3 successful completion of the Federal Bureau of Investigation's  
4 criminal background investigation.

5 (f) A school bus driver permit holder shall notify the  
6 employer and the Secretary of State if he or she is issued an  
7 order of court supervision for or convicted in another state of  
8 an offense that would make him or her ineligible for a permit  
9 under subsection (a) of this Section. The written notification  
10 shall be made within 5 days of the entry of the order of court  
11 supervision or conviction. Failure of the permit holder to  
12 provide the notification is punishable as a petty offense for a  
13 first violation and a Class B misdemeanor for a second or  
14 subsequent violation.

15 (g) Cancellation; suspension; notice and procedure.

16 (1) The Secretary of State shall cancel a school bus  
17 driver permit of an applicant whose criminal background  
18 investigation discloses that he or she is not in compliance  
19 with the provisions of subsection (a) of this Section.

20 (2) The Secretary of State shall cancel a school bus  
21 driver permit when he or she receives notice that the  
22 permit holder fails to comply with any provision of this  
23 Section or any rule promulgated for the administration of  
24 this Section.

25 (3) The Secretary of State shall cancel a school bus  
26 driver permit if the permit holder's restricted commercial

1 or commercial driving privileges are withdrawn or  
2 otherwise invalidated.

3 (4) The Secretary of State may not issue a school bus  
4 driver permit for a period of 3 years to an applicant who  
5 fails to obtain a negative result on a drug test as  
6 required in item 6 of subsection (a) of this Section or  
7 under federal law.

8 (5) The Secretary of State shall forthwith suspend a  
9 school bus driver permit for a period of 3 years upon  
10 receiving notice that the holder has failed to obtain a  
11 negative result on a drug test as required in item 6 of  
12 subsection (a) of this Section or under federal law.

13 (6) The Secretary of State shall suspend a school bus  
14 driver permit for a period of 3 years upon receiving notice  
15 from the employer that the holder failed to perform the  
16 inspection procedure set forth in subsection (a) or (b) of  
17 Section 12-816 of this Code.

18 (7) The Secretary of State shall suspend a school bus  
19 driver permit for a period of 3 years upon receiving notice  
20 from the employer that the holder refused to submit to an  
21 alcohol or drug test as required by Section 6-106.1c or has  
22 submitted to a test required by that Section which  
23 disclosed an alcohol concentration of more than 0.00 or  
24 disclosed a positive result on a National Institute on Drug  
25 Abuse five-drug panel, utilizing federal standards set  
26 forth in 49 CFR 40.87.

1           The Secretary of State shall notify the State  
2 Superintendent of Education and the permit holder's  
3 prospective or current employer that the applicant has (1) has  
4 failed a criminal background investigation or (2) is no longer  
5 eligible for a school bus driver permit; and of the related  
6 cancellation of the applicant's provisional school bus driver  
7 permit. The cancellation shall remain in effect pending the  
8 outcome of a hearing pursuant to Section 2-118 of this Code.  
9 The scope of the hearing shall be limited to the issuance  
10 criteria contained in subsection (a) of this Section. A  
11 petition requesting a hearing shall be submitted to the  
12 Secretary of State and shall contain the reason the individual  
13 feels he or she is entitled to a school bus driver permit. The  
14 permit holder's employer shall notify in writing to the  
15 Secretary of State that the employer has certified the removal  
16 of the offending school bus driver from service prior to the  
17 start of that school bus driver's next workshift. An employing  
18 school board that fails to remove the offending school bus  
19 driver from service is subject to the penalties defined in  
20 Section 3-14.23 of the School Code. A school bus contractor who  
21 violates a provision of this Section is subject to the  
22 penalties defined in Section 6-106.11.

23           All valid school bus driver permits issued under this  
24 Section prior to January 1, 1995, shall remain effective until  
25 their expiration date unless otherwise invalidated.

26           (h) When a school bus driver permit holder who is a service

1 member is called to active duty, the employer of the permit  
2 holder shall notify the Secretary of State, within 30 days of  
3 notification from the permit holder, that the permit holder has  
4 been called to active duty. Upon notification pursuant to this  
5 subsection, (i) the Secretary of State shall characterize the  
6 permit as inactive until a permit holder renews the permit as  
7 provided in subsection (i) of this Section, and (ii) if a  
8 permit holder fails to comply with the requirements of this  
9 Section while called to active duty, the Secretary of State  
10 shall not characterize the permit as invalid.

11 (i) A school bus driver permit holder who is a service  
12 member returning from active duty must, within 90 days, renew a  
13 permit characterized as inactive pursuant to subsection (h) of  
14 this Section by complying with the renewal requirements of  
15 subsection (b) of this Section.

16 (j) For purposes of subsections (h) and (i) of this  
17 Section:

18 "Active duty" means active duty pursuant to an executive  
19 order of the President of the United States, an act of the  
20 Congress of the United States, or an order of the Governor.

21 "Service member" means a member of the Armed Services or  
22 reserve forces of the United States or a member of the Illinois  
23 National Guard.

24 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;  
25 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.  
26 7-22-10; 96-1551, Article 1, Section 950, eff. 7-1-11; 96-1551,

1 Article 2, Section 1025, eff. 7-1-11; 97-224, eff. 7-28-11;  
2 97-229, eff. 7-28-11; 97-333, eff. 8-12-11; 97-466, eff.  
3 1-1-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,  
4 eff. 1-25-13.)